

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/751,723

Applicant(s): John Monk

Filed: January 5, 2004

TC/A.U.: 2600/2619

Examiner: Jeffrey M. Rutkowski

Atty. Docket: 10021131-01

Confirmation No.: 2252

Title: SYSTEMS AND METHODS FOR CHARACTERIZING
PACKET-SWITCHING NETWORKS

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated August 6, 2009, Applicants elect to initiate a new appeal as provided at page 2 of the Office Action. Because there has been no increase in the fees beyond the previously paid fees, Applicants believe that no fee is required in connection with the filing of the present Notice. If, however, a fee is due, permission is hereby given to charge Deposit Account 50-1078 for the fee or deficiency thereof.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:

Agilent Technologies, Inc.

/William S. Francos/

by: William S. Francos (Reg. No. 38,456)

Date: November 6, 2009

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